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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,057	09/08/2003	Naoyuki Sato	SONY-26200	5505

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EXAMINER

CHEA, PHILIP J

ART UNIT	PAPER NUMBER
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2153

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/658,057

Applicant(s)

SATO, NAOYUKI

Examiner

Philip J. Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 and 35-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 and 35-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This Office Action is in response to an Amendment filed June 25, 2007. Claims 1-33 and 35-41 are currently pending. Any rejection not set forth below has been overcome by the current Amendment.

Drawings

1. The examiner has withdrawn all objections to the drawings in response to the applicant's amendments.

Specification

2. The examiner has withdrawn all objections to the specification in response to the examiner's amendments.

Claim Objections

3. The examiner has withdrawn all objections to the specification in response to the examiner's arguments.

Claim Rejections - 35 USC § 101

4. The examiner has withdrawn all rejections under USC 101 to the specification in response to the examiner's amendments.

A. Summary of Arguments

In the amendment the applicant argues the rejections of claims 1-26 for the following reasons:

1. The applicant has asserted that each independent claim recites statutory subject matter and would like to traverse the 101 rejections of claims 1-5, 7, 11-20, and 24-26.

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2. The applicant suggests that the prior art of Brauel et al (Pub# US 2004/0002343) doesn't disclose a system for determining location information at an Internet portal, a controller for determining the location information based on a location table, or a controller with an apparatus for providing an Internet site.
3. The applicant has also stated that Melpignano et al (Pub # US 2005/0170851) does not teach the system of claims 2, 7, 10, 13, 15, 20, 22, 27, 29, 31, 36, and 41 in combination with Brauel et al.

B. Response to Arguments

1. In regards to the applicant's remarks, the examiner has withdrawn all rejections under 35 USC 101.
2. Applicant's arguments with respect to claims 1, 3-6, 8-9, 11-12, 14-19, 23-26, 28, 30, 32-33, 35, and 37-40 have been fully considered but they are not persuasive. The applicant argues that Brauel et al fails to teach a system for determining location information at an Internet portal, a controller for determining the location information based on a location table, or a controller with an apparatus for providing an Internet site.

The Examiner respectfully disagrees with Applicants arguments. Brauel shows that the location information is determined at an internet portal based on the location table in paragraph 32. The communication server (i.e. internet portal) stores location information ("...the location services table 132 can be stored in the communication server 102") of the wireless device in order to provide location services particular to the devices location. An exemplary embodiment of the location services table can be found in Fig. 3. The Examiner agrees with the Applicant that the wireless communication devices determine their own location. However, the claim does not mention how the determining step is performed. That is, the claim does not mention that the wireless device cannot give their location to the

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internet portal so the internet portal can determine the location information to provide location specific services. Furthermore, the claims merely suggest that the location information is determined at an internet portal based on the location table. It appears that the location information pertains to the access point itself. Therefore, the fact that Brauel shows that the wireless communication devices determine their own location is irrelevant. Brauel still discloses that the access point locations are determined and obtained from a location table (see paragraphs 24-25, i.e. in paragraph 25, "...the network-provided information comprises a location table 104 in the communication server 102. The location table 104 preferably includes physical location information of each of the access points 106." and "...a network administrator can enter physical location information for each of the access points."). The controller for determining the location information based on the location table is contained in the communication server that allows location information to be determined by an administrator and wireless communication device. The controller and an apparatus for providing an internet site is also contained in the communication server which allows access to sites (see paragraph 34 discussing internet access provided to wireless devices provided by the communications server).

3. Applicant's arguments filed July 01, 2007, with respect to claims 2, 7, 10, 13, 20, 22, 27, 29, 31, 36, and 41 are moot because the applicant claimed that the claims were allowable only due to the fact that the applicant believes that the independent claims are allowable over Brauel et al. The examiner asserts that the language in Brauel et al fully anticipates the limitations of independent claims 1, 9, 14, 21, 28, and 33; therefore, providing motivation for combination of all U.S.C. 103 references.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless - -

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 3-6, 8-9, 11-12, 14-19, 21, 23-26, 28, 30, 32-33, 35, and 37-40 are rejected under 102 (e) as being anticipated by Brauel et al (Pub # US 2004/0002343).

With respect to claims 1 and 28, Brauel et al teach a method including the limitations for determining an address corresponding to an access point (see e.g. [0021], which teaches this limitation because an address of an access point is determined for a wireless device); obtaining location information corresponding to the address from a location table (see e.g. [0025], which teaches this limitation because physical location information including network addresses for each access point of each wireless device is obtained from a location table), wherein the location information is determined at an internet portal base on the location table (see paragraph 32, where the communication server can determine location information the wireless device and store a location services table that is based on the location table); obtaining localized information using the location table (see abstract, which teaches this limitation because location-based services are provided to the user of the wireless device once the location information is provided), and providing the localized information to the user through the access point (see e.g. [0011] – [0013], which teaches this limitation because services are provided to the wireless device and the wireless device communicates through an access point in reference to the address of the device).

With respect to claim 3, Brauel et al teach a method including the limitation for providing the generation of an entry in the location table including the address and corresponding location

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information (see e.g. [0025], which teaches this limitation because the location table contains a plurality of entries corresponding to each access point and including an address assigned to the access point).

With respect to claim 4, Brauel et al teach a method including the limitation for obtaining the corresponding location information from the access point (see e.g. [0025], which teaches this limitation because the physical location of each access point is obtained).

With respect to claim 5, 18, and 25, Brauel et al teach a method including the limitation for wherein the localized information includes one or more of weather news, traffic information regarding nearby points of interest (see e.g. [0007], which teaches this limitation because the applicant's specification states that a user of a device may obtain information regarding restaurants in the particular location that the user is in).

With respect to claims 6, 12, 19, 26, 30, and 40, Brauel et al teach a method including the limitation for wherein the internet site is provided by an internet server (see e.g. [0034], which teaches this limitation because the services provided on an internet site are accesses via a communication server).

With respect to claim, 9 Brauel et al teach a method including the limitations for obtaining an address of the access point from communication received from the access point (see abstract, which teaches this limitation because an address of an access point is determined for a wireless device and the address of the access point is obtained through communication with the access point), obtaining location information corresponding to the physical location of the access point (see abstract, which teaches this limitation because physical location information including physical addresses for each access point of each wireless device is obtained from a location

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table), generating an entry within the location table including the address and the location information (see e.g. [0025], which teaches this limitation because each location table entry comprises of the address and location information for each access point), and repeating a-c for a first communication from each access point (see e.g. [0025], which teaches this limitation because the mentioned address and location information entries are generated once communication is established with an access point).

With respect to claim 11, Brauel et al teach a method including the limitations for wherein the communication is received at an internet site (see e.g. [0034] and claim 6, which teaches this limitation because the wireless communication device receives the address of the access point, as shown in claim 6, through an internet access service, as shown in e.g. [0034]).

With respect to claims 14, 21, and 39, Brauel et al teach a method including the limitations for providing a location table including a plurality of entries each having an address and location information corresponding to an access point (see abstract, which teaches this limitation because physical location information including network addresses for each access point of each wireless device is obtained from a location table), a localized information database coupled to the location table to provide localized information based on the location information (see e.g. [0013], which teaches this limitation because a list of location-based services is provided to the user of the wireless device through a communication server).

With respect to claims 8, 16, 23, and 37, Brauel et al teach a method including the limitations for providing a controller coupled to the location table and the localized information database for generating an entry in the location table including the address and corresponding location information (see e.g. [0022] – [0025], which teaches this limitation because each access

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point includes a wired data connection to the communication server, a wireless communication link, and a CPU for controlling transmission of data, including the address information, to the wireless communication devices and input information of the location table, which is located within the network provided information).

With respect to claim 17, 24, and 38, Brauel et al teach a method including the limitations for wherein the controller obtains the location information from the access point (see e.g. [0022], which teaches this limitation because the access point's CPU transmits the access point's location information for transmission to the communication device).

With respect to claim 32, Brauel et al teach a method including the limitations for wherein the location information is a physical location of the access point (see e.g. [0025], which teaches this limitation because the physical location of each access point is obtained from the access point).

With respect to claim 33, Brauel et al teach a method including the limitations for providing one or more access points to provide access to an internet site (see abstract, which teaches this limitation because a plurality of access points are provided within the invention that provide for internet access, as shown in e.g. [0014]), one or more internet access systems (see e.g. [0014], which teaches this limitation because internet access service is provided for each wireless device), each capable of communicating with the one or more access points to access the internet site through the access point (see e.g. [0034], which teaches this limitation because the internet access service and other services are provided through a communication server connecting the wireless device to each access point); an apparatus to provide the internet site and capable of being accessed through the one or more access points (see e.g. [0034], which teaches

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this limitation because a wireless device is implemented to allow for access to the internet and allows for the wireless communication device to communicate with each access point through the communication server), a location table including a plurality of entries each having an address and location information corresponding to an appropriate one of the access points (see e.g. [0011], which teaches this limitation because the location table within the invention stores the address and location information for each access point); and a localized information database coupled to the location table to provide localized information based on the location information (see e.g. [0013], which teaches this limitation because a list of services is provided to the user of a wireless device through the same communication server that the location table information is provided).

With respect to claim 35, Brauel et al teach a method including the limitations for wherein the one or more internet access systems are one or more of a portable computer, a cellular telephone and a personal digital assistant device (see e.g. [0023], which implies this limitation because the wireless devices for providing internet access may comprise notebook computers, handheld computers, wireless e-mail devices, cellular telephones, etc.).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

8. Claims 2, 7, 10, 13, 15, 20, 22, 27, 29, 31, 36, and 41 are rejected under 35 USC 103 as being unpatentable over Brauel et al (Pub # US 2004/0002343) in view of Melpignano et al (US Pub # 2005/0170851).

In reference to claims 2, 7, 10, 13, 15, 20, 22, 27, 29, 31, 36, and 41, Brauel et al teach a method including the limitations for determining an address corresponding to an access point (see abstract, as stated above).

Brauel et al teach all the limitations as disclosed above except for wherein the address is an IP address and wherein the Internet site is provided by an Internet portal.

The general concepts of a limitation for wherein the address is an IP address and wherein the internet site is provided by an internet portal are well known in the art as illustrated by Melpignano et al, which teaches a method including the limitation wherein the address is an IP address (see e.g. [0043], which implies this limitation because the IP address for all access points is implemented within the embodied location services) and wherein the internet site is provided by an internet portal (see e.g. [0069], which implies this limitation because the internet access is portal-based).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Brauel et al to include the use of a limitation for wherein the address is an IP address and wherein the internet site is provided by an internet portal in order to improve upon locating a wireless device, as implied in sec. [0004] of Melpignano et al.

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Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Philip J Chea
Examiner
Art Unit 2153

PJC 8/13/07



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